

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF OHIO

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UNITED STATES OF AMERICA, et al., : CASE NO. C-1-02-107  
Plaintiffs, : JUDGE S. ARTHUR SPIEGEL  
-VS- : MAGISTRATE HOGAN  
BOARD OF HAMILTON COUNTY : REQUEST FOR REVIEW  
COMMISSIONERS, et al., :  
Defendants. :

I, Elaine Howard, request that the Court review my Water-in-Basement claim, pursuant to the Court's February 2, 2006, Order. Attached hereto is the information detailing the nature of my dispute.

Respectfully submitted,

Elaine Howard  
Signature

Elaine Howard  
Name (print)

July 14, 2008  
Date

INFORMATION FOR REQUEST FOR REVIEW

Name: Elaine Howard

Address: 7924 Cherrywood Court  
Cincinnati, Ohio 45224

Phone: 513 851-8168

Nature of dispute and description of your disagreement (attach additional pages if necessary):

See  
attachment  
#1

Date of City's decision (please attach): \_\_\_\_\_

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

See  
attachment  
#1

Check one:

- ☒ I would like to appear in person to explain my position to the Court.
- ☐ I do not need to appear in person. I would like the Court to issue a decision based on its review of this form and the attached documents.

Signature: Elaine Howard

Date: July 14, 2008

**\*\* File this form and any relevant documents at the Clerk of Court's office in Room 103 of the Federal Courthouse, 100 E. 5th Street, Cincinnati, OH 45202; and send a copy to the City of Cincinnati, c/o Terry Nestor, 801 Plum St., Room 214, Cincinnati, OH 45202, and/or Fax: 513-352-1515.**

# INFORMATION FOR REQUEST FOR REVIEW

Name: Elaine Howard  
 Address: 7924 Cherry Wood Court  
Cincinnati, Ohio 45224  
 Phone: 513-851-8168

Nature of dispute and description of your disagreement (attach additional pages is necessary):

MSD is responsible for the damage in my basement due to the water from sewer backup. MSD worker, Mr. Dale stated that it was an external problem and this was explained to Ms. Nancy Finley. Ms. Finley requested to speak to Mr. Dale and she gave me a number where she could be reached. Nancy Finley called me back and said that they are going to put a camera in the sewer and take pictures. She stated, if it's on the owner's side, it's my problem. If not, then MSD will be responsible. One hour later, their truck pulled up (Truck Number 40911 or 409111), and lowered the camera into the sewer line and took pictures. I had already called Roto Rooter to come back to see if they could help me with this problem. The MSD workers came to my door and said the problem was external. He said he had marked off the sidewalk to the street. MSD said, I didn't need Roto Rooter because it was an external problem. They would fix it.

Chris Sandman and another representative discussed what needed to be done. They would pull up the linoleum and sanitize the basement. They started the process and did not finish the job. I called Mr. Sandman and questioned why they did not finish, and he said the sanitation workers said they stopped pulling up the linoleum because the tiles were coming up – which wasn't true. They left a big ugly spot on the floor in several places. I asked Mr. Sandman what would MSD be responsible for, and he said the drywall and paint in the storage room, replace carpet, linoleum, and any other damage as listed. After the sanitation workers left, my storage cabinet was ruined, see attached.

Date of City's decision (please attach): June 25, 2008

Describe the Relief that you are seeking and any evidence that you have to support your claim. Please attach your original claim and other documents (receipts, photos, videos, etc.) that you would like the Court to review:

I am seeking to have my basement repaired and put back to its original state. I am also attaching another proposal, since my claim was declined.

Signature: Elaine Howard

Date: July 14, 2008

**J.C. CONSTRUCTION**  
**LET US ENHANCE THE QUALITY OF YOUR HOME**

**CONTRACT AGREEMENT AND TERMS**

*39 Mulberry Street, Suite 3, Cincinnati, OH 45210*

Business No. (513) 477-9454

FAX NO. (513) 784-0039

**CLIENT: Elaine Howard**

7924 Cherry Wood Court

Cincinnati, OH 45224

Home No. 513 851-8168

Work No. 513 569-4510, Ext. 1443

**SUMMARY OF PROJECT DESCRIPTION:** Interior House repair of damaged basement floor and steps due to water damage.

**WORK DETAILS:** Remove damaged floor tile and vinyl flooring

Replace Dry Wall 12" above floor

Install new adhesive backing and carpet (19"x 18')

Replace with new floor tile (12FT x 18FT")

AND 5FT x 8FT

Remove damaged step tile and replace with new step tile (9 basement steps)

Replace new wood baseboard

Labor and Materials: Is included in cost

**COST \$4,800.00**

**START DATE:** Open

**INSURANCE AND LIABILITY:** J.C. Construction takes full responsibility and liability for any accidents or injuries that may occur while working at the resident at 7924 Cherry Wood Court, Cincinnati, OH 45224

You understand that the labor performed is a “work for hire.” **J. C. Constructions** shall own all rights to the work in its name or otherwise.

You warrant that the work will be an original work that has not been in the public domain or previously created, and that the work will be free of any unauthorized extractions from other sources.

Please signify your approval of this agreement by completing the form below and retain one copy for you files.

**Client’s Signed** \_\_\_\_\_ **Date** \_\_\_\_\_

**(Owner) J.C. CONSTRUCTION**

SIGNATURE

\_\_\_\_\_

Date:

\_\_\_\_\_



**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

1600 Gest Street  
Cincinnati, Ohio 45204  
513•244•1300  
[www.msdc.org](http://www.msdc.org)

James A. Parrott  
**Executive Director**

June 25, 2008

Elaine Howard  
7924 Cherrywood Court  
Cincinnati, Ohio 45224

RE: Claim for Water in Basement incident at 7924 Cherrywood

Dear Ms Howard:

An investigation of your claim has determined that your Water in Basement incident was the result of a problem in your private house lateral and not a problem in the public sewer. MSD repaired that part of your lateral within the street; MSD is responsible for the repair of all house laterals within streets. However, because the entire house lateral is owned by the owner of the building served by the lateral and not MSD, MSD must reject your claim for damages.

**If you disagree with the City's disposition of your claim, in accordance with an order in the Consent Decree case, Federal District Court case # C-1-02-107, you may file a Request for Review with the Federal Court in Cincinnati, Ohio. You should file your Request within 90 days with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5<sup>th</sup> Street, Cincinnati, Ohio 45202. You may call the court-appointed Ombudsman, the Legal Aid Society, at (513) 362-2801 for further information concerning your rights under the Consent Decree.**

**Alternatively, you may appeal the decision through standard legal process in the courts of Hamilton County in the Hamilton County Municipal Court or the Court of Common Pleas. Both of these courts are located at 1000 Main Street.**

Sincerely,

Dorothy Carman  
Assistant City Solicitor

**Customer Service**  
513•352•4900

**Emergency Service**  
513•352•4900



**LEGAL AID SOCIETY OF  
SOUTHWEST OHIO, LLC**

AN AFFILIATE OF THE LEGAL AID SOCIETY OF GREATER CINCINNATI

July 2, 2008

**DONALD P. KLEKAMP  
COMMUNITY LAW  
CENTER BUILDING**

**215 East Ninth Street  
Suite 500  
Cincinnati, Ohio  
45202**

Telephone  
(513) 241-9400  
(800) 582-2682

Facsimile  
(513) 241-0047

Elaine Howard  
7924 Cherrywood Ct.  
Cincinnati, OH 45224

Dear Ms. Howard:

You contacted Legal Aid in our capacity as Ombudsman for the Metropolitan Sewer District (MSD) Water-In-Basement Program.

MSD has denied responsibility for the backup in your basement. It is MSD's position that the backup was caused by a broken or collapsed sewer line in the street in front of your home. As we have discussed, the sewer line that runs from your home to the main sewer line, the sewer lateral, is the property of and responsibility of the homeowner. Therefore, if the sewer lateral needs to be replaced or cleared of debris, it is generally the homeowner's responsibility to do so. MSD is only required to make a repair to a broken lateral line if it is in the street.

I understand that you believe that your backups are the responsibility of MSD. You have the right to have this matter reviewed by the Federal Court under the WIB case. The Magistrate Judge who oversees the WIB Consent Decree developed a new procedure for homeowners to appeal MSD's decision. To exercise this right, you must file a request to have your dispute reviewed in Federal Court. You would also need to submit any additional information and documentation (photos, receipts, etc.) to support your claim. The Court would review this information, provide you with a hearing (if you want one), and assess whether the City's decision is reasonable. If you are going to exercise your right to the review process, you should file your request as soon as possible.

Enclosed is the Right to Review form and information on the Federal Court Review process.

Feel free to contact me directly at 362-2871 if you need further assistance to understand this process or your rights. Or, you may contact the Ombudsman's main number at 362-2801.

Sincerely,

*Rickell Howard* /lf

Rickell Howard  
Attorney at Law  
Assistant to the Ombudsman  
MSD Water-In-Basement Program  
Direct Dial: (513) 362-2871

RH/lrf  
Enclosures

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**LEGAL SERVICES IN**

Brown County  
Butler County  
Clermont County  
Clinton County  
Hamilton County  
Highland County  
Warren County





**WATER-IN-BASEMENT PROPERTY DAMAGE**

ELAINE HOWARD  
7924 CHERRY WOOD CT.  
CINCINNATI, OHIO 45224

**LIST**

- CARPET AND GOLD STRIPPING TO HOLD CARPET.
- LINOLEUM IN KITCHEN FLOORING
- LINOLEUM IN BATH
- WALL MATERIAL IN STORAGE ROOM AND UNDER THE STAIR IN THE STORAGE ROOM
- VCT TILE NEED TO BE PULL UP IN THE STORAGE ROOM
- VCT NEED TO BE PULL UP IN THE KITCHEN AND BATH AREA
- WOOD BOARD IN THE STORAGE
- METAL STAIR NOSINGS AND TRANSITION STRIP
- CEILING TILE CORINTO GOLD BOND- GRED PANELS- A WOOD FIBER PRODUCT 5.00 EACH PANEL 16X5.00= 75.00 1/2'X2'X4' 64 sq ft. washable white
- JACKET- AUTHENTIC PALIONT RIETED CLOTHEWY, LEVI STREUSS PROFESSIONAL GRADE- WORK WEAR SIZE XL 69.00
- CLEANING CREW MOVE AND DAMAGE STORAGE CABINET 50.00 (IT IS UNLEVEL)
- REIMBURSEMENT FOR WATER 25.00 AND ELECTRIC 25.00

**SEE PROPOSAL: Zenith Construction Co. LLC**

**Total amount 6,900.00, plus damage amount 244.00 = GRAND TOTAL 7144.00**



**ZENITH CONSTRUCTION CO. LLC  
9706 STONEMASTERS DR.  
LOVELAND, OHIO 45140  
513 583-7433 583-5402/FAX**

June 4, 2008

Elaine Howard  
7924 Cherrywood Ct.  
Cincinnati, Ohio 45224  
513 851-8168

Re: Water loss

**PROPOSAL**

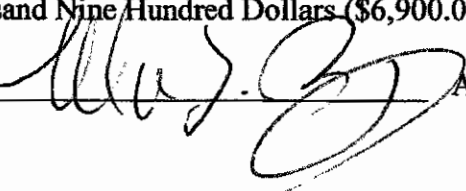
We hereby propose to furnish all labor, material and equipment necessary for the completion of work outlined below.

- I. Carpet 19x23: Prep concrete slab in area where old carpet was removed. Provide and install new direct glue down indoor-outdoor carpet with all necessary transition metals. Carpet style and color to be selected by owner. \$19.00 per yard retail installed.
- II. Vinyl Sheet Goods: Remove existing vinyl in main area and stairs (13'x17' and 10 stair 32" wide). Clean and prep slab to receive new vinyl. Provide and install new vinyl sheet good with all necessary metal stair nosings and transition strips. Patter and style by owner \$25.00 per yd. installed retail.
- III. V.C.T. Tile: Remove existing 12x12 vinyl floor tile and prep slab. Provide and install new 12x12 V.C.T. Tile in spare room and under stairs (2.00 s.f.) , color by owner. Replace existing wood baseboard (area 12x12).
- IV. Drywall Repair: Remove water damaged drywall approximately 2' up from floor and replace with new ½" drywall taped, sanded and finished. Prime and paint room to coverage.

Note: Furniture and appliances to be moved to allow for work to be completed and reinstalled.

All above work to be completed in a substantial and workmanlike manner for the sum of: Six Thousand Nine Hundred Dollars (\$6,900.00).

Submitted by:



Accepted by: \_\_\_\_\_

Marvin Burton

**DECLARATIONS**

We will provide the insurance described in this policy in return for the premium and compliance with all applicable provisions of this policy.

35-P6-6186-9                      **Policy Number**

**Named Insured and Mailing Address**

HOWARD, ELAINE  
7924 CHERRYWOOD CT  
CINCINNATI, OH 45224-1114

Coverage afforded by this policy is provided by:

STATE FARM FIRE AND CASUALTY COMPANY  
1440 GRANVILLE ROAD  
NEWARK OH 43093

A Stock Company with Home Offices in  
Bloomington, Illinois.

The Policy Period begins and ends at 12:01 a.m. Standard Time at the residence premises.

06/26/2008    **Effective Date**  
                    **12 months-Policy Period**  
06/26/2009    **Expiration of Policy Period**

**Limit of Liability - Section 1**

\$ 123,700 Coverage A Dwelling

**Automatic Renewal - If the Policy Period is shown as 12 months, this policy will be renewed automatically subject to the premiums, rules and forms in effect each succeeding policy period. If this policy is terminated, we will give you and the Mortgagee/Lienholder written notice in compliance with the policy provisions or as required by law.**

**Policy Type**

Homeowners Policy  
Dwell Repl Cost - Similar Construction  
Increase Dwlg Up to \$24,740 - Option ID

**Deductibles - Section 1 1%/\$1237 ALL LOSSES** In case of loss under this policy, the deductible will be applied per occurrence and will be deducted from the amount of the loss. Other deductibles may apply - refer to your policy.

**Location of Premises**

7924 CHERRYWOOD CT  
CINCINNATI, OH 45224-1114

**Policy Premium**                      \$665.00

**Forms, Options, & Endorsements**

FP-7955                      HOMEOWNERS POL  
LSP B1                      LMT RPLC COST-B  
OPT OL                      BLD ORD/LAW-10%  
FE-5320                      POLICY END  
FE-5452                      MOTOR VEHICLE

LSP A1                      SMLR CONST-A  
OPT ID                      COV A-INCR DWLG  
FE-7265                      AMENDATORY END  
FE-5398                      FUNGUS EXCL  
FE-5304                      AMENDATORY END

**Mortgagee**

HOMEOMINGS FINANCIAL, LLC  
ITS SUCCESSORS AND/OR ASSIGNS  
PO BOX 4075  
CORAOPOLIS, PA 15108-6946

**Agent Name & Address**

DIANE S MCDOWELL INS AGY  
8 ENDICOTT STREET  
GREENHILLS SH CTR  
CINCINNATI, OH  
45218-1429 (513)825-4466

Loan Number: 7441822145

Prepared:                      June 12, 2008

559-916.5

3446  
Agent's Code  
**MORTGAGEE COPY**



**State Farm Insurance**  
**Diane S. McDowell Agency**  
8 Endicott Street  
Greenhills, Ohio 45218  
PH: (513) 825-4466

June 12, 2008

Elaine Howard  
7924 Cherrywood Ct.  
Cincinnati, Oh 45224-1114

Attn: Cincinnati-Hamilton County Community Action Agency

Re: **Sewer & Drain Backup**

To whom this may concern:

Ms. Elaine Howard had a homeowners loss on 05/07/08 due to back up of sewer drain. Unfortunately, Ms. Howard does not have this additional coverage added to her homeowner's policy, so her claim was denied.

If you need any further information, please contact our office at 513-825-4466.

Sincerely,

*Diane S. McDowell*

Diane S. McDowell, Agent  
35-3446



DIANE S. McDOWELL  
AGENT  
8 ENDICOTT STREET  
CINCINNATI, OHIO 45218  
OFC. 513-825-4466

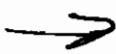
**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI  
WATER-IN-BASEMENT (WIB) CLAIM FORM**

Please fill out this form if you believe that you have suffered damage to your home or belongings because of a sewer backup in your home caused by a problem with the public sewer system operated by the Metropolitan Sewer District of Greater Cincinnati ("MSD"). PLEASE NOTE THAT NOT ALL SEWER BACK-UPS ARE ELIGIBLE FOR REIMBURSEMENT.

**If I am eligible for reimbursement, what kind of damage can I be reimbursed for?**

- The reasonable value of any property lost or destroyed in the backup; and
- The cost of restoring your basement or other structural damage to your home; or
- The documented reduced value of your real property at the time of sale of the property as a result of permanent impairment of the property due to public sewer capacity issues.

**How to Make a Claim**

- Complete the claim form
- Submit the form to:  
 Metropolitan Sewer District Greater Cincinnati  
Re: MSD/WIB - CLAIMS  
225 W. Galbraith Rd.  
Cincinnati, Ohio 45215
- Cooperate with the City and Metropolitan Sewer District (MSD) investigation, if the investigation has not already been conducted.

**Claim Investigation**

- If it has not already done so, MSD will determine whether your backup was caused by a problem in the public sewer system.
- In conducting such investigations, MSD will use good faith and reasonable engineering judgment.
- If inadequate sewer capacity has caused a basement backup the last two years and MSD has not fixed the capacity problem, MSD will accept responsibility for the backup without additional investigation.

**Other Things you should know**

- Ohio law requires you to collect first from your homeowner insurance.
- The City will pay the difference between what your insurance coverage pays and your total loss.
- Prior to processing and paying any claims, the City must have information regarding your insurance policy and any insurance claims that you have made.

**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI  
WATER-IN-BASEMENT (WIB) CLAIM FORM**

**Decisions & Questions**

- The City of Cincinnati will send you a written decision within 60 days of receiving your claim.
- To check the status of your claim, call the MSD Customer Service Line at (513) 244-5100.
- If you are not satisfied with the decision you can contact the Legal Aid Society of Greater Cincinnati at 362-2801. Legal Aid is the Ombudsman for the WIB program, and was appointed by the Federal Court.

**Appeals**

If you disagree with the City's decision on your claim you may be able to file a case in either Hamilton County Municipal or Common Pleas Court, or file a Request for Review with the Federal Court in Cincinnati.

**METROPOLITAN SEWER DISTRICT OF GREATER CINCINNATI  
WATER-IN-BASEMENT (WIB) CLAIM FORM**

**GENERAL INFORMATION. To be completed by claimant.**

Name of Claimant: Elaine Howard

Address of WIB: 7924 Cherrywood Ct.

City, Village or Township: Cincinnati, Ohio Zip Code: 45224

Unit #, if applicable: \_\_\_\_\_ Daytime phone number: 513-851-8168 / Week # 53569-4511 Ext 144

Type of property: ☒ Single Family Residence  
(check one)

\_\_\_\_\_ Multi-Family Residence (# of Units: \_\_\_\_\_)  
\_\_\_\_\_ Business

When did this WIB occurrence begin? Wednesday May 7, 2008

Did you report this WIB incident to MSD? ☒ Yes ☐ No

If you reported this WIB incident, when did you report it?

I reported this incident on Thursday, May 8, 2008.

Number of times you have had WIB incidents in the past: This is my first incident.

I have lived here for only two and a half years.

Approximate dates of those incidents:

May 8, 2008

Did a plumber or other qualified professional determine the cause of the back-up? If so, please provide a copy of a report from the plumber or other qualified professional setting out the basis for his/her conclusion. Please summarize that conclusion below.

Roto Rooter could not determine the cause of the blockage.

This is why I called MSD.



**DAMAGES INFORMATION.** *To be completed by claimant*

- (1) Is your basement: \_\_\_\_\_ Unfinished  
 \_\_\_\_\_ Partly Finished  
X \_\_\_\_\_ Completely Finished
- (2) If your basement was partially or completely finished, please indicate the square footage of finished square feet (please indicate the square footage of the finished area.)

\_\_\_\_\_ finished sq. ft. \_\_\_\_\_ unfinished sq. ft.

- (3) Please indicate what type of floor covering that was in your basement prior to the WIB:

\_\_\_\_\_ Bare floors X \_\_\_\_\_ Carpeting X \_\_\_\_\_ Tile / linoleum

Please indicate what your basement is used for:

X \_\_\_\_\_ Storage X \_\_\_\_\_ Bathroom \_\_\_\_\_ Study / Den  
X \_\_\_\_\_ Laundry X \_\_\_\_\_ Bedroom \_\_\_\_\_ Family Room  
 \_\_\_\_\_ Workbench Bar  
X \_\_\_\_\_ Other (please specify) kitchen

- (5) Please attach an inventory of damaged property, using the attached instructions.

- (6) Do you believe that the WIB incident caused any structural damage to the premises? If so, please provide a report from a structural engineer or other qualified professional describing the damage, its causes and proposed remedies for it. Please summarize that information below.

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(7) **Diminution in Value:** Did you sell or have you tried to sell the property since the WIB? Do you believe that you received or were offered less than the full value because of the WIB incident? If so, please provide a report from an appraiser or other qualified professional quantifying the reduction in value attributable to the property's WIB status. Please also include any sale contracts or offers, as well as any declarations, documents or other evidence that you believe supports your claim.

NO

**Additional Diminution in Value Claim Questions:**

Have you applied for MSD's WIB Prevention Program? If so, what was the result of your application? If not, why not?

NO, I just heard about it.

In connection with the WIB situation that has given rise to your diminution in value claim, have you undertaken any other mitigation measures? If so, please describe below and attach any reports from engineers or other qualified professionals documenting the mitigation measures.

- I received a bid to refurbish the basement a copy of which is attached.
- Pictures damages not listed on Chris Sandman report VCT tile, Water damage & electric, storage cabinet.

**INSURANCE INFORMATION.** *To be completed by all claimants.*

Do you have an insurance policy on the property that has experienced the WIB? YES

If you have insurance on the property, please provide the following information:

The name of your insurance carrier: State Farm Insurance

Your policy number: Agent: Diane McDowell  
35-PL-6186-9

The amount of your deductible: \_\_\_\_\_

**Please attach a copy of your policy's Declarations Sheet and / or a letter from your carrier indicating that these damages are not covered.**

\* see attached forms & Letter.

**OTHER POTENTIAL CLAIMANTS,**

*We request this information in order to identify any other persons who may have claims for damages as the result of the WIB. Please complete any applicable section.*

- (A) **RENTERS.** If you rent the property that experienced the WIB, please provide the following information about your landlord:

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 City: \_\_\_\_\_ State: \_\_\_\_\_  
 Phone Number: \_\_\_\_\_

- (B) **LANDLORDS:** If you own the property that experienced the WIB:

(1) Please provide the following information about each tenant, co-owners, and land contract holders whom you believe may have incurred damage to personal property as a result of the WIB (attach a separate sheet of paper if necessary):

Name: \_\_\_\_\_  
 Address: \_\_\_\_\_  
 Telephone Number: \_\_\_\_\_ Unit #: \_\_\_\_\_

(2) Please provide the following information:

Is the property held in the name of a corporation, partnership, or other entity, rather than by individuals?

       Yes  
  X   No

If yes, provide the name of the entity that owns the property:

(3) Please provide the following information about how we can contact you:

Address: 7924 Cherrywood Ct.  
 City: Cincinnati State: Ohio 45224  
 Phone Number(s): 513-851-8168 | 513-569-4510 ext. 1443

**VERIFICATION:** To be completed by all claimants.

I hereby certify that the information provided on this form, as well as the information contained on my inventory of damaged property, is true and accurate to the best of my knowledge.

E. Dain Howard  
Signature of Claimant

\_\_\_\_\_  
Date

\_\_\_\_\_  
\_\_\_\_\_  
For OFFICIAL USE: To be completed by MSD and / or city Claims Personnel.

Form received in Claims Section on \_\_\_\_\_ by \_\_\_\_\_

Acknowledgment letter sent to claimant on \_\_\_\_\_ by \_\_\_\_\_ (copy file)

Internal Claims Determination Form sent to MSD on \_\_\_\_\_

received back in Claims Section on \_\_\_\_\_

follow up calls made \_\_\_\_\_

Further information requested from MSD? \_\_\_\_\_ Yes \_\_\_\_\_ No

Date of request: \_\_\_\_\_

Type of info

requested: \_\_\_\_\_

Response to request received on:

\_\_\_\_\_

Determination: \_\_\_\_\_ Approved

Amount: \_\_\_\_\_

Letter w/release sent on: \_\_\_\_\_

Signed Release rec'd on: \_\_\_\_\_

Payment sent on: \_\_\_\_\_

\_\_\_\_\_ Denied

Letter Sent on: \_\_\_\_\_

## Additional Notes or Comments:

Chris Sandman took pictures of the damage in my basement. There was another representative who made the decision of what needed to be replaced. He stated that the VCT tiles in my storage room was OK, it just needed cleaning. After cleanup crew came the VCT tiles were loosened and easily picked up. They were to remove the vinyl tile from the steps and floor. MSB<sup>(cleanup)</sup> crew started pulling the vinyl tile up, then the crew stop. I called Chris Sandman and he stated that the crew says that it was hard to remove the linoleum and they noticed that they were pulling up the VCT tiles underneath. I request reimbursement for electric running with fans. And a discount on water because the night crew stated that if it had not been for the water hose & water use from my property, they would not have been able to clean out the blockage from the outside. At least \$50.00. It has taken Mr. Sandman a month to send pictures of my basement and I had to call him. I don't want to call City Council about this manner or get a lawyer. Please response as soon as possible.

**Instructions for Providing  
Inventory of Damaged Property**

If the sewage backup in your basement was the result of negligence on the part of the Metropolitan Sewer District of Greater Cincinnati ("MSD"), or the result of a sewer system capacity problem, you are entitled to be compensated fairly and in accordance with the law for any property damage that may have resulted.

If you are entitled to be compensated for your loss, the MSD Claims Section will attempt to settle your claim by offering you a reasonable sum of money. The amount of money the MSD Claims Section offers you will be based on your documented damages. For that reason, it is to your benefit to carefully follow these instructions and to respond to any additional requests from the MSD Claims Section for information about your damages.

**Instructions**

On a separate sheet of paper, make a list of all the items for which you are claiming damages as the result of the WIB. Your list should also include:

For every ELECTRONIC DEVICE or APPLIANCE (e.g., washer, lamp, television):

- Manufacturer
- Model Number, if available
- Approximate Age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every piece of FURNITURE (e.g., couch, chair, etc.)

- Approximate descriptive information (e.g., size, type of fabric, etc.).
- Approximate age
- Cost when purchased
- A description of the damage the item sustained in the flood
- Whether the item is still useable
- Receipt, if available
- Picture of the item

For every other item,

- Appropriate descriptive information & approximate age
- Cost when purchased
- A description of the damage the item sustained
- Whether the item is still useable
- Receipt, if available
- Picture



When did this WIB occurrence begin? Wednesday, May 7, 2008. I noticed it between 4:30 and 5:00 p.m.

Did you report this WIB incident to MSD? First, I tried to call several plumbers and Roto-ROOTER was the only one to respond. They came on Thursday, May 8, 2008 at 7:00 a.m.. Between 8:30 and 9:30 a.m., I contacted MSD and explained that Roto-Rooter could not get the main line sewage drain unclogged. MSD said that they would send someone out immediately. Mr. Dale, Truck Number 6902, came with another worker and talked with the Roto-Rooter people. MSD told them they would take it from here.

I reported this incident on Thursday, May 8, 2008.

This is my first incident. I have lived here for only two and a half years.

See attached estimates and pictures.

In my storage room, the drywall is damaged, baseboard, V.C. T. Tile, work coat, 16 piece of ceiling tiles ruined, the carpet, linoleum, storage cabinet, and stairwell. The Duke energy for use of electricity, running large fans to dry basement and using water-Cincinnati Water Works.

**Additional Notes or Comments:**

The MSD employee, Mr. Dale was very helpful. After the other worker say that they could not get the sewer unclogged, he told me that he had done all he could and he was calling the company to see what they wanted to do after approximately six tries. He said, usually when plumbers say that they can't get the sewage unclogged, that is when we come in (MSD) and usually get it unclogged. Mr. Dale said, he believed it was an external problem, but if it is not an external problem, then I would be responsible for the repair. He said, he had done all he could do. Then I said that this water can't stay in this basement because I have infants in this house. That's when he called back to the office for more instructions. Whoever he talked to said that it was an internal job. I asked to speak to his supervisor, and he gave me the name Dennis Madden, at 352-4229. I called this number and the supervisor did not answer the phone. I called back and got the runaround from Nancy Finley where you report problems. She stated that you should have called MSD first, and since you didn't, we don't know what those people did. I said ma'am, I did have a licensed plumber and the MSD workers sent them away.

She stated that it is an internal problem and you have to pay. I stated that I have babies in this house and I didn't realize that I had to call MSD first. I continued to try to get her to try something else, and she said no, you need to look at your water bill to always call MSD first and we will refer you to a licensed plumber, also. it's an internal problem and you have to call a licensed plumber. I asked to speak with the CEO and she said what for, Miss Howard you have an internal problem. Finally I kept asking to speak to the CEO and finally she transferred me to Mr. Biju George. There was no response. I went back outside and spoke to Mr. Dale again and he did state that it was an external problem.



I called Nancy Finley back and stated I just spoke with one of the MSD workers and he stated again that it is an external problem. Nancy said who was the person that told you that, and I stated Mr. Dale. Nancy said, let me speak to Mr. Dale. I said it takes me a minute, but hold on and I shouted his name and said Nancy wanted to speak to you and he said he would call her. She gave me the number where he could call her back and he did call. Then, Nancy call me back and said that they are going to put a camera in the sewer and take a picture and if its on my side it's my problem. Then Mr. Dale and the other MSD worker sat in their truck in my driveway for about 20 minutes. Then a MSD car pulled up and Mr. Dale followed this car off my street. I called Nancy back and she doesn't know when they are coming, it could be today or tomorrow. I stated that they need to send someone right away. I tried to call Mr. George, the CEO. Approximately one hour later a MSD truck pulled up Truck #40911 or 409111 and they took pictures of the sewer. In the meantime, I had already called Roto Rooter to come back to see if they could help me with this problem. When the Roto Rooter truck came down the street, that's when the MSD worker came to my door and said that the problem was external, he marked off the yard and stated that I did not need Roto Rooter. The Roto Rooter workers came to the door as we were talking and the MSD worker told them that they were not needed because it was an external problem.

I was very upset because of the runaround and unprofessional treatment I received from the MSD Clerk and workers only to find out that it was an external problem. I want to be compensated for the usage of my electricity which the Flood Restoration people used up on Friday, Saturday, Sunday, Monday, and Tuesday to 8:30 a.m. Drywall, ceiling tiles, carpet, baseboard strips in storage room, and linoleum, work coat. Only one employee treated me with respect and that was Mr. Dale and the Night Crew. It was disgusting to think that they were going to leave that stinch in my basement. I am going to send a copy of this letter to the CEO. I want someone to come in and inspect my sewer drain once a month.



**CUSTOMER  
SERVICE**

06/2/2008

Elaine Howard  
7924 Cherrywood Ct.  
Cincinnati, Ohio 45224

Dear Elaine Howard,

Enclosed, please find the information you requested.

Sincerely,

Christopher Sandman  
MSD Water in Basement  
Claims

## WIE PROPERTY OFFSITE DISPOSAL REPORT

WIB No. He30

Customer Service Representative:

Customer Name:

Address: 7924

Cherry wine

City:

Can't

Zip:

45224

[illegible]

Cleanup Contractor:

Employee Signature: \_\_\_\_\_

Customer Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

By signing this report,  
inclusion in my claim.

Brook Moss  
Ch Graham

Date:

5-908

Printed Name: E. Anne Howard

Date:

15-9-68

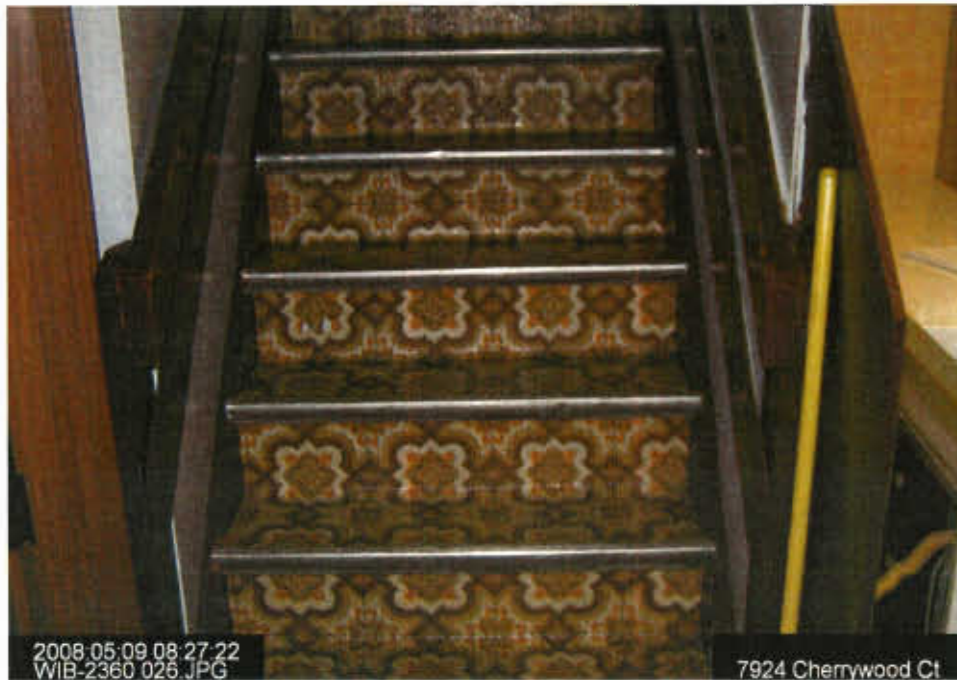
Page 1 of 1

Revised 4/5/2006





























**METROPOLITAN SEWER DISTRICT  
OF GREATER CINCINNATI**

1600 Gest Street  
Cincinnati, Ohio 45204  
513-244-1300  
[www.msdc.org](http://www.msdc.org)

James A. Parrott  
**Executive Director**

June 25, 2008

Elaine Howard  
7924 Cherrywood Court  
Cincinnati, Ohio 45224

RE: Claim for Water in Basement incident at 7924 Cherrywood

Dear Ms Howard:

An investigation of your claim has determined that your Water in Basement incident was the result of a problem in your private house lateral and not a problem in the public sewer. MSD repaired that part of your lateral within the street; MSD is responsible for the repair of all house laterals within streets. However, because the entire house lateral is owned by the owner of the building served by the lateral and not MSD, MSD must reject your claim for damages.

**If you disagree with the City's disposition of your claim, in accordance with an order in the Consent Decree case, Federal District Court case # C-1-02-107, you may file a Request for Review with the Federal Court in Cincinnati, Ohio. You should file your Request within 90 days with the Clerk's Office of the Federal Court located in the Potter Stewart U.S. Courthouse, Room 103, 100 East 5<sup>th</sup> Street, Cincinnati, Ohio 45202. You may call the court-appointed Ombudsman, the Legal Aid Society, at (513) 362-2801 for further information concerning your rights under the Consent Decree.**

**Alternatively, you may appeal the decision through standard legal process in the courts of Hamilton County in the Hamilton County Municipal Court or the Court of Common Pleas. Both of these courts are located at 1000 Main Street.**

Sincerely,

Dorothy Carman  
Assistant City Solicitor

**Customer Service**  
513-352-4900

**Emergency Service**  
513-352-4900



Levi Strauss Jacket  
damaged by water  
valued at \$69.00





Carpet left under  
furnace and hot  
water heater.





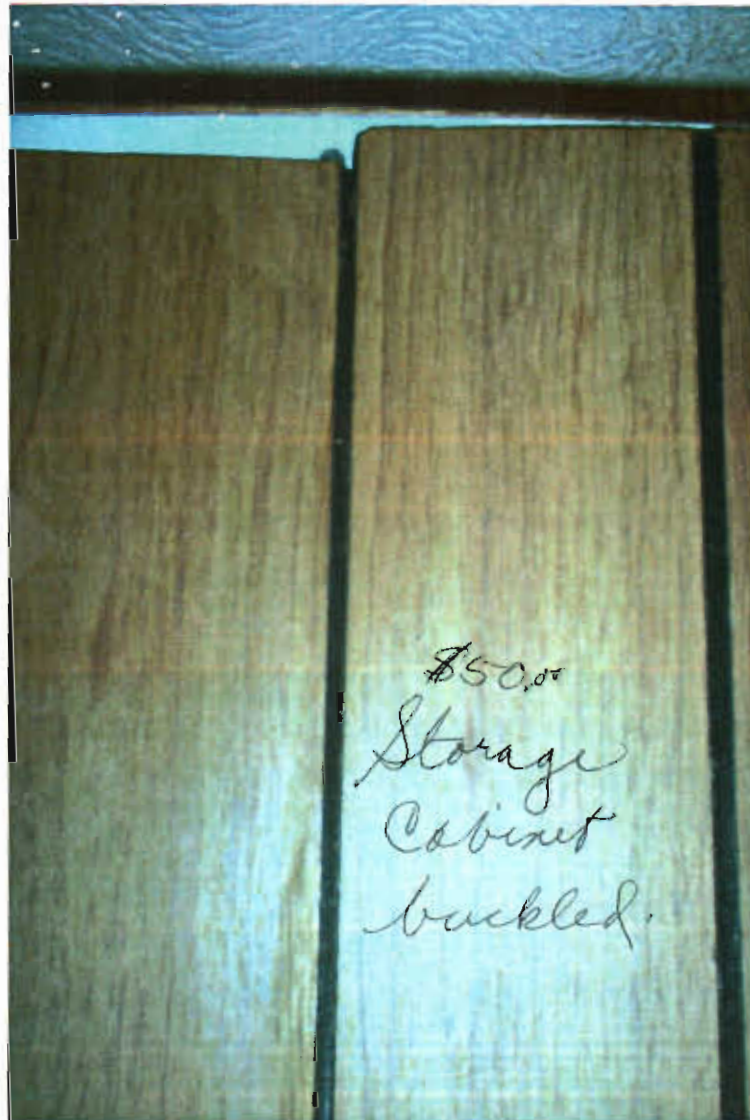




Loose VCT tiles after  
they (sanitation workers)  
cleaned up.

Storage room floor





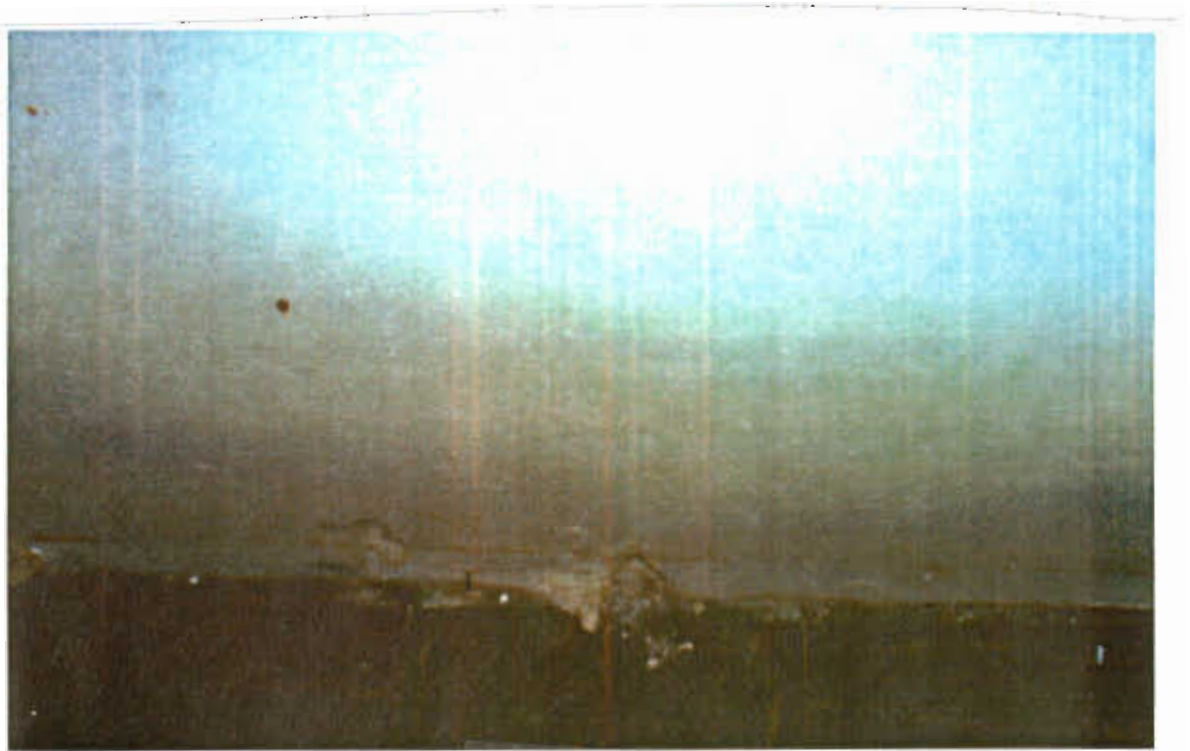


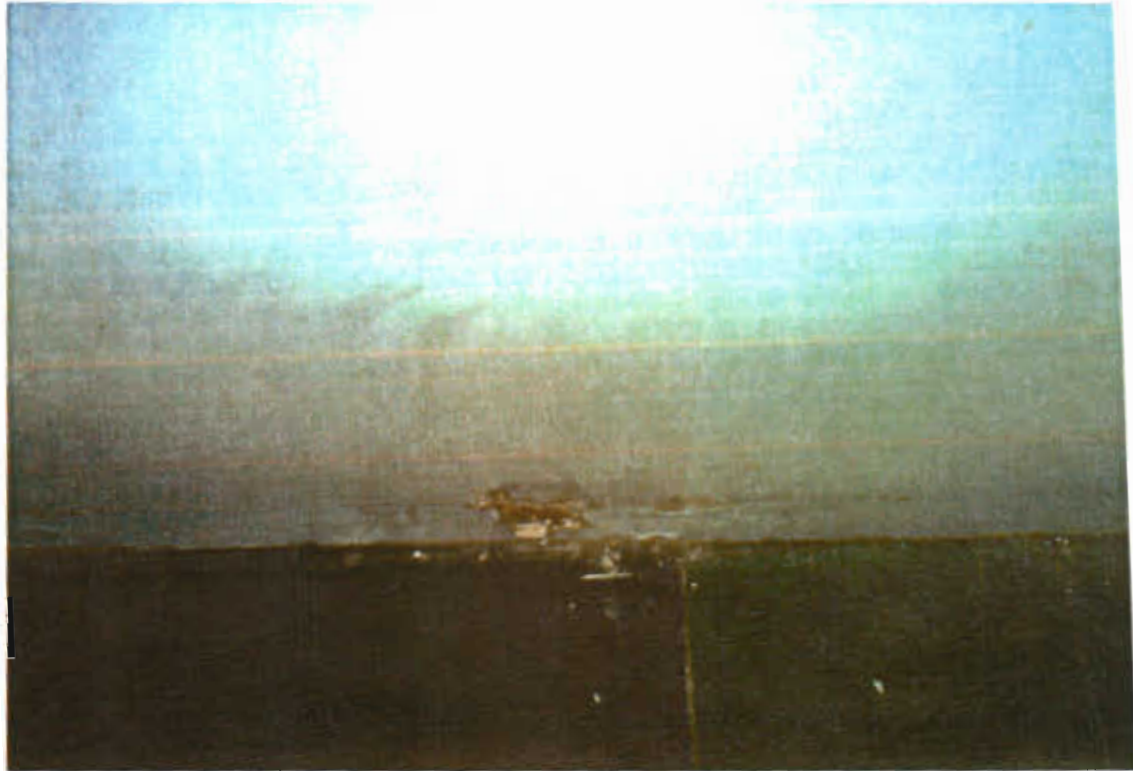












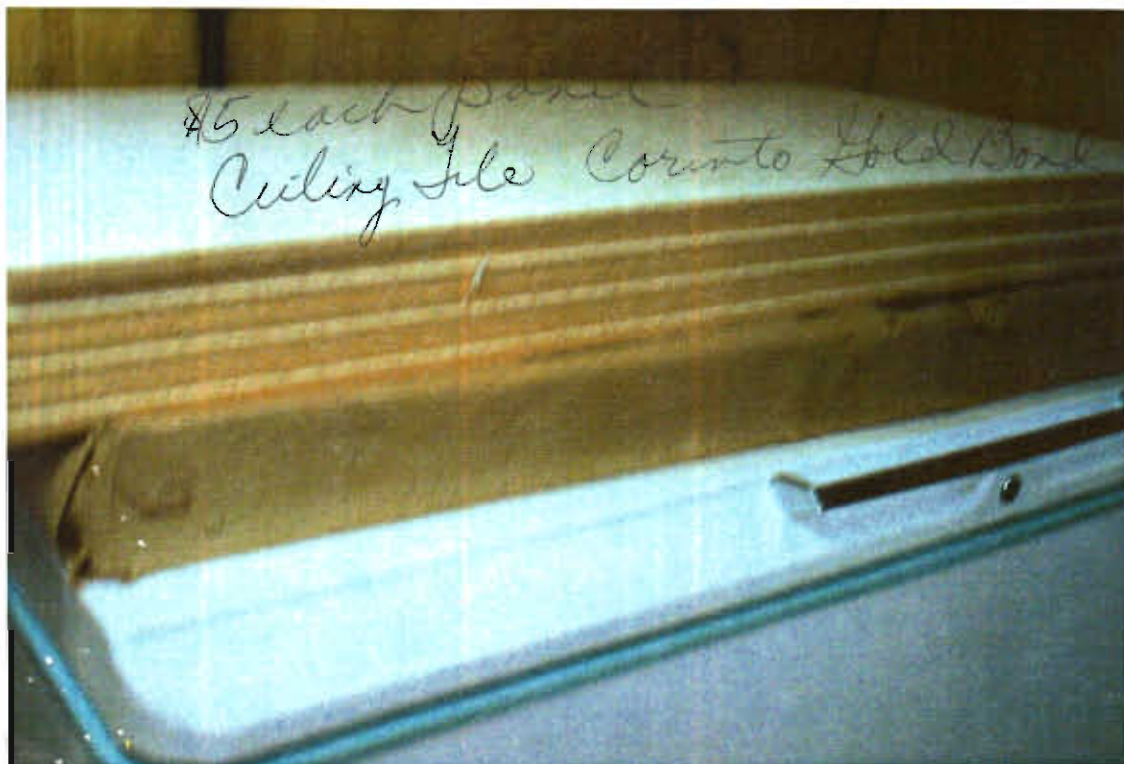


*Storage under steps.*





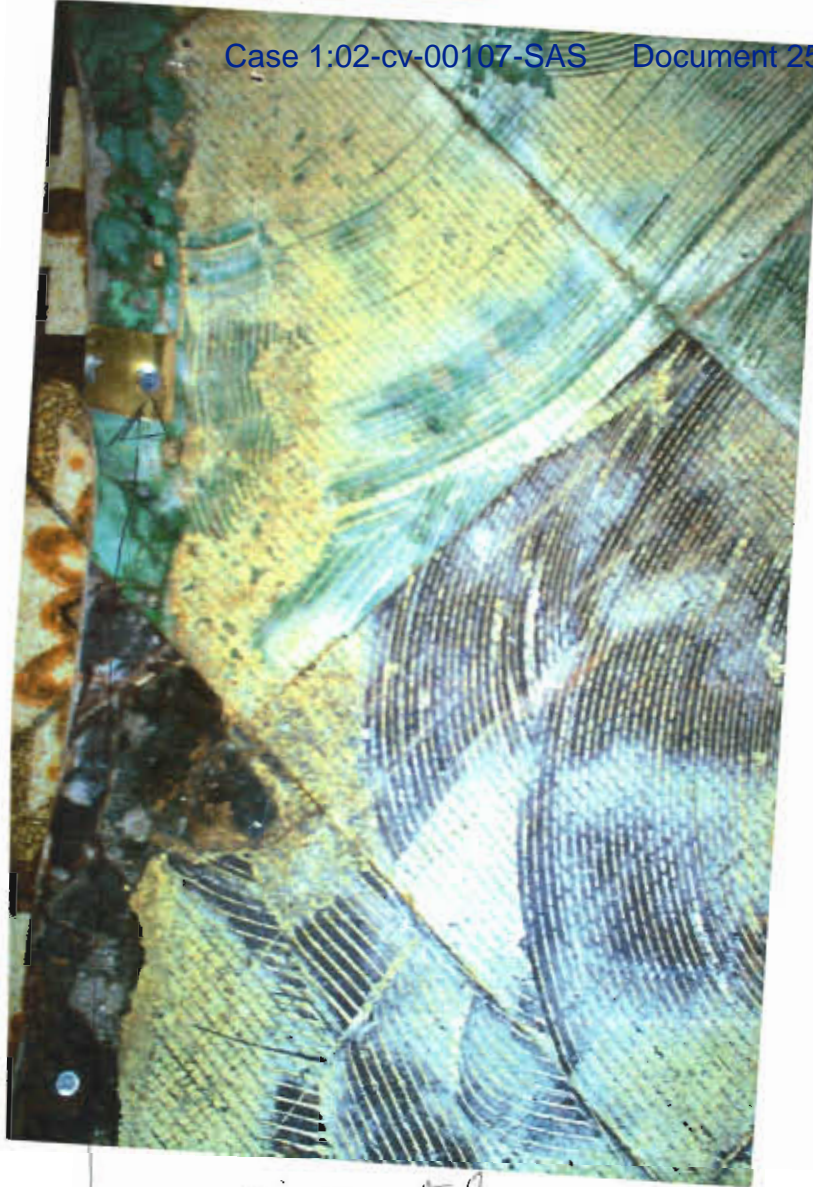




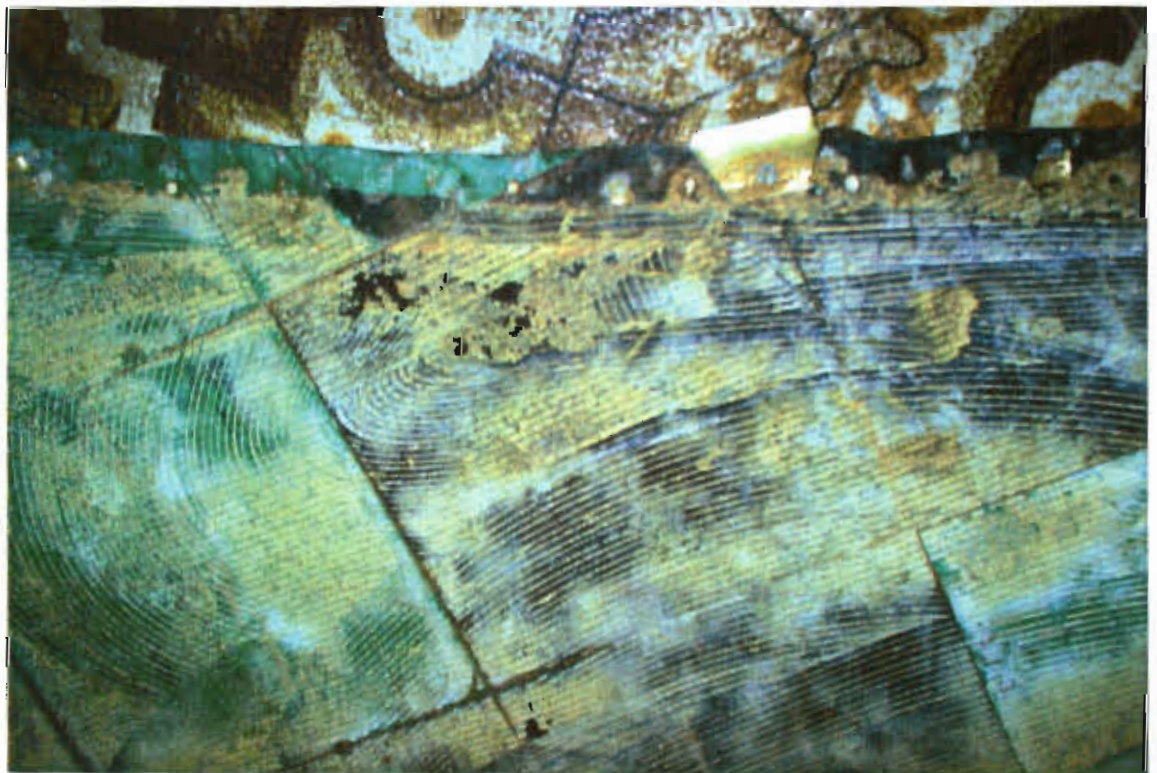
*This is where sanitation workers  
removed the carpet.*







*transition metal*





*After the sandblasting workers finished.*





Where they started scraping up the vinyl flooring.







